

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

v.

22-CV-

\$100,090 UNITED STATES CURRENCY,

Defendant.

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**VERIFIED COMPLAINT FOR FORFEITURE**

The United States of America, by its attorney, Trini E. Ross, United States Attorney for the Western District of New York, James P. Kennedy, Jr., Assistant United States Attorney, of counsel, for its verified complaint herein alleges as follows:

**CAUSE OF ACTION**

1. This is an action in rem for the forfeiture of \$100,090 United States currency ("defendant currency"), seized from 84 Rogers Avenue, Buffalo, New York, ("84 Rogers Avenue") pursuant to Title 21, United States Code, Section 881(a)(6).

2. This court has subject matter jurisdiction of this action pursuant to Title 28, United States Code, Sections 1345 and 1355(a) and *in rem* jurisdiction pursuant to Title 28, United States Code, Sections 1355(b) and 1355(d). Venue is properly premised in the Western District of New York pursuant to Title 28, United States Code, Section 1395 and Title 21, United States Code, Section 881(j).

3. On October 19, 2021, following a search of his residence at 84 Rogers Avenue, the Federal Bureau of Investigation (“FBI”) and United States Marshal Service (“USMS”) Fugitive Task Force arrested Keyon Miller (“K. Miller”) for a violation of the terms of his supervised release. The defendant currency was seized upon the basis that it was furnished, or intended to be furnished, in exchange for a controlled substance, as proceeds traceable to exchanges of controlled substance, and/or had otherwise been used or intended to be used to facilitate a violation of Title 21, United States Code, Section 801 *et. seq.* The defendant currency was placed in and remains in the custody of the FBI, Buffalo, New York, within this judicial district.

#### **INVESTIGATION**

4. K. Miller, who resided at 84 Rogers with his grandmother, Cheryl Miller, was on supervised release for a felony conviction when the United States Probation Office obtained social media videos of K. Miller dancing with large amounts of United States currency and a firearm on his person. K. Miller was also depicted in the videos with an individual who is a convicted felon, which also violated the terms of his supervised release.

#### **EXECUTION OF SEARCH**

5. During the October 19, 2021, arrest of K. Miller, his residence at 84 Rogers was searched, and law enforcement officers recovered the following:

a. **Upstairs bedroom:**

1. One Shotgun, bearing serial number MV034610

b. **Downstairs bedroom:**

1. United States Currency found in a men's Puma sneaker shoebox,
2. United States Currency found in a small rainbow-colored purse, and
3. Two cellphones.

c. **Downstairs back bedroom:**

1. One digital scale with cocaine residue found in dresser drawer,
2. Two bags of a white powdery substance found in a dresser drawer suspected to be a cutting agent used in the distribution of cocaine,
3. One large bag of cocaine found in purse hanging in closet,
4. One bag of cocaine found in bin on floor of closet, and
5. One small safe with United States Currency found in suitcase in closet.

c. **Downstairs closet:**

1. One 9mm Beretta Nano handgun, serial number NV04130 with magazine loaded with eight rounds of ammunition found on top shelf.

6. The defendant currency was seized and turned over to FBI for forfeiture pursuant to Title 21, United States, Code, Section 881(a)(6). The breakdown of the denomination of the bills, which were wrapped in rubber bands, is as follows:

Number of Bills	Denomination
399	\$100
479	\$50

1792	\$20
33	\$10
3	\$5
55	\$1

7. Based upon training and experience of law enforcement, cash is the almost exclusive medium of exchange for drug dealers. Further, the abundance of twenty-dollar bills is significant because small denominations (such as twenty-dollar bills) are more commonly used than any other denominations in street level narcotics trafficking. Also, narcotics couriers and traffickers are known to package currency in tightly bound rubber banded bundles.

8. Further, based upon the training and experience of the law enforcement officers involved in this investigation individuals involved in the illegal possession and distribution of controlled substances commonly possess and/or maintain ready access to firearms due to the dangers involved in the drug trade and that drug traffickers utilize firearms as “tools of the trade.”

#### **K. MILLER’S PRIOR CRIMINAL HISTORY**

9. On September 25, 2018, K. Miller was arrested by the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) and charged with Possession with the Intent to Distribute Marijuana and Possession of Firearms in furtherance of Drug Trafficking Crimes.



On March 13, 2020, K. Miller pled guilty to Unlawful Transport of Firearms and was sentenced to a term of imprisonment for 2 years followed by 2 years of supervised release.

### **INITIATION OF CIVIL JUDICIAL ACTION**

10. On or about March 4, 2022, Russell Romond, Esq. submitted a Claim of ownership on behalf of Cheryl Miller to the FBI to halt the administrative forfeiture proceedings and for the institution of a judicial forfeiture action. No supporting documents were included in the claim.

### **CONCLUSION AND REQUEST FOR RELIEF**

11. Based upon all of the foregoing facts, the circumstances surrounding these facts, and the experience and training of officers involved, there is cause to believe that the defendant currency was furnished or intended to be furnished in exchange for a controlled substance, is proceeds traceable to exchanges of controlled substances, or was used or intended to be used to facilitate the, sale, receipt, or possession of controlled substances in violation of Title 21, United States Code, Section 801 *et. seq.*, and the currency is subject to forfeiture pursuant to Title 21, United States Code, Section 881(a)(6).

WHEREFORE, the plaintiff requests the following relief:

- (1) that an Arrest Warrant in rem be issued for the defendant currency;
- (2) that notice of this action be given to all persons known or thought to have interest in or right against the defendant currency;
- (3) that judgment be entered declaring the defendant currency be forfeited and condemned to the United States of America for disposition in accordance with law;
- (4) that the costs of this suit be paid to and recovered by the United States of America; and
- (5) that the Court grant such further relief as deemed just and proper.

DATED: Buffalo, New York, May 27, 2022.

TRINI E. ROSS  
United States Attorney  
Western District of New York

BY: 

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STATE OF NEW YORK)  
COUNTY OF ERIE       ) ss  
CITY OF BUFFALO       )

ROBERT COLUNGA, being duly sworn, deposes and says:

I am a Special Agent with the Federal Bureau of Investigation. I am familiar with the forfeiture case against \$100,090 United States currency, on behalf of the United States of America. The facts alleged in the Complaint for Forfeiture are true to the best of my knowledge and belief based upon information officially furnished to me by the officials of the United States Department of Justice, the United States Marshal Service, and United States Probation Office.

  
ROBERT COLUNGA

Subscribed and sworn to before me  
this 27<sup>th</sup> day of May, 2022

  
Notary Public

**GABRIELA RODRIGUEZ**

Notary Public, State of New York

Qualified in Niagara County

My Commission Expires: 09/04/2022